

MARKS, O'NEILL, O'BRIEN,  
DOHERTY & KELLY, P.C.

www.moodklaw.com

NEW JERSEY OFFICE  
Cherry Tree Corporate Center  
Suite 501  
535 Route 38 East  
Cherry Hill, NJ 08002  
(856) 663-4300 Fax: (856) 663-4439

**Jonathan R. Stuckel**  
Member NJ & PA Bars  
(856) 406-1319  
JStuckel@moodklaw.com

August 4, 2022

**Via ECF**

The Honorable Evelyn Padin, U.S.D.J.  
The Honorable James B. Clark, III, U.S.M.J.  
United States District Court  
Martin Luther King Jr. Federal Building and Courthouse  
50 Walnut Street, Room MLK 2A  
Newark, NJ 07102

**Re: Morales v. Healthcare Revenue Recovery Group, LLC**  
**Case No. 2:15-cv-08401-ES-JAD**

Dear Judges Padin and Clark:

My firm represents Defendant Healthcare Revenue Recovery Group, LLC in the above matter. I write to request the Court's leave to file a Motion for Summary Judgment. Previously, the Court had contemplated that, at the close of class discovery, the Defendant would file a Motion for Summary Judgment. In the January 3, 2022 Letter Order, the Court directed the parties to meet and confer concerning outstanding discovery needed "prior to class certification and/or dispositive motions." (See ECF 152). Further, in the parties' February 11, 2022 joint letter, Defendant took the position that there was no reason for additional discovery "before class certification and dispositive motions." (See ECF 154). However, no deadline was set for the filing of dispositive motions.

Defendant requests the opportunity to raise new factual and legal issues on summary judgment that have not been considered by the Court previously. In granting summary judgment on the Article III standing issue on July 24, 2019, the Court did not reach the additional arguments raised by Defendant. (See ECF 122). Further, intervening case law makes an even stronger argument for Defendant on this issue. Specifically, Plaintiffs lack Article III standing based upon the 2021 Supreme Court decision in TransUnion LLC v. Ramirez. Critically, TransUnion had not been decided at the time the last summary judgment motion was ruled upon and therefore the Court did not have the benefit of this analysis.

{M0173768.1}

Philadelphia	Pittsburgh	Westchester County	Wilmington	Towson	New York
Pennsylvania	Pennsylvania	New York	Delaware	Maryland	New York

Accordingly, Defendant requests that the Court set a deadline for the filing of a new Motion for Summary Judgment.

Respectfully submitted,

**MARKS, O'NEILL, O'BRIEN,  
DOHERTY & KELLY, P.C.**

/s/ Jonathan R. Stuckel  
Christian M. Scheuerman, Esquire  
Jonathan R. Stuckel, Esquire

CMS/emm

Cc: All Counsel of Record (via ECF)